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 10 Attorneys for Defendants  
 11 ROCKRIDGE MANOR HOMEOWNERS' ASSOCIATION AND SPECIALLY  
 12 APPEARING DEFENDANTS CHARLES BLAKENEY AND PURPORTED  
 13 ENTITIES ROCKRIDGE MANOR CONDOMINIUM AND ROCKRIDGE MANOR  
 14 BOARD OF DIRECTORS

15 IN THE UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA

17 CHRISTINE CHANG, individually and as Guardian ad  
 18 Litem for ERIC SUN, disabled

19 Plaintiffs,  
 20 v.  
 21 ROCKRIDGE MANOR CONDOMINIUM, ROCKRIDGE  
 22 MANOR HOMEOWNERS ASSOCIATION;  
 23 ROCKRIDGE MANOR BOARD OF DIRECTORS;  
 24 ROCKRIDGE MANOR PRESIDENT OF BOARD OF  
 25 DIRECTORS CHARLES BLAKENEY; ROCKRIDGE  
 26 MANOR MANAGER EVA AMMANN; TRUCK  
 27 INSURANCE EXCHANGE; AND DOES 1-30, inclusive,  
 28 JOINDER

29 UNIVERSITY OF CALIFORNIA BERKELEY; UC  
 30 BERKELY CHANCELLOR ROBERT BIRGENEAU; UC  
 31 BERKELEY PUBLIC RECORDS COORDINATOR  
 32 ALAN KOLLING; UC BERKELEY GENERAL  
 33 COUNSEL SUSAN VON SEEBURG; UC BERKELEY  
 34 POLICE DEPARTMENT CHIEF VICTORIA  
 35 HARRISON; UC BERKELEY POLICE DEPARTMENT  
 36 LIEUTENANT ADAN TEJADA; UC BERKELEY  
 37 POLICE DEPARTMENT MANAGER TOM KLATT; UC  
 38 BERKELY POLICE DEPARTMENT DISPATCHER  
 39 CONSTANCE PEPPERS CELAYA; and DOES 31-60,  
 40 inclusive,

41 JOINDER  
 42 PAMELA ZIMBA, ATTORNEY AT LAW; ALBERT  
 43 COOMBES, ATTORNEY AT LAW; and DOES 61-90,  
 44 inclusive,

45 Defendants

46 Case No.: C07-4005 EMC

47 **DEFENDANTS ROCKRIDGE  
 48 MANOR HOMEOWNERS'  
 49 ASSOCIATION, AND SPECIALLY  
 50 APPEARING DEFENDANTS  
 51 CHARLES BLAKENEY,  
 52 ROCKRIDGE MANOR  
 53 CONDOMINIUM AND ROCKRIDGE  
 54 MANOR BOARD OF DIRECTORS'  
 55 CASE MANAGEMENT  
 56 CONFERENCE STATEMENT**

57 Date: November 14, 2007  
 58 Time: 1:30 p.m.  
 59 Room: C  
 60 Judge: Magistrate Judge Edward M. Chen

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 62 **DEFENDANTS ROCKRIDGE MANOR HOMEOWNERS'  
 63 ASSOCIATION, AND SPECIALLY APPEARING CHARLES  
 64 BLAKENEY, ROCKRIDGE MANOR CONDOMINIUM AND  
 65 ROCKRIDGE MANOR BOARD OF DIRECTORS CASE  
 66 MANAGEMENT CONFERENCE STATEMENT**

67  
 68 **ALLMAN & NIELSEN, P.C.**  
 69 100 Larkspur Landing Circle, Suite 212  
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1           Defendant Rockridge Manor Homeowners Association (“Rockridge”) submits this case  
 2 management conference statement:

3           1.     Jurisdiction and Service

4           Plaintiffs allege that the Federal Court has jurisdiction over her vague claims that  
 5 defendants’ conduct has violated her rights under the United States Constitution. Plaintiffs thus  
 6 claim federal jurisdiction. Defendants maintain that plaintiffs’ complaint does not allege facts to  
 7 support a claim invoking federal jurisdiction.

8           Defendant Charles Blakeney has not been served, although plaintiff has apparently obtained  
 9 entry of default against him and purported entities “Rockridge Manor” and “Rockridge Manor  
 10 Board of Directors.”

11           2.     Facts

12           The facts alleged in plaintiffs’ complaint repeat allegations she has made in two prior state  
 13 court actions:

14           a) *Chang v. Ammann*, action number 2001-023364 filed in Alameda County Superior Court  
 15 on September 12, 2001, alleged that on September 14, 2000 defendant Eva Ammann, manager of  
 16 the Rockridge Manor Condominium complex, falsely reported to the Department of Social Services  
 17 that plaintiff Eric Sun was acting dangerously and possessed a gun. Plaintiffs claimed that this false  
 18 report was ratified by Rockridge Manor Homeowners Association, Charles Blakeney, a member of  
 19 the Rockridge Manor Homeowners Association Board of Directors, and others. Plaintiffs claimed  
 20 intentional infliction of emotional distress, negligence, slander and “intrusion.” Plaintiffs also  
 21 claimed that plaintiff Eric Sun’s civil rights were violated and that he was discriminated against  
 22 based upon his mental disability. The action was settled pursuant to a general release, dismissal and  
 23 order approving the compromise of Mr. Sun’s action. The persons released included Rockridge  
 24 Manor Homeowners Association, Charles Blakeney, Eva Ammann, other named defendants and  
 25 their “agents, servants, employers, insurance carriers...” The release recited that it released  
 26 defendants of all claims and causes of action, ...”whether or not now known, suspected or  
 27 claimed...” The release also contained a waiver of plaintiffs’ rights under section 1542 of the  
 28 California Civil Code, again releasing all unknown or unsuspected claims.

29           b) *Chang v. Celaya*, Alameda County Superior Court action number 2002-046048, alleged  
 30 that Christine Chang had been assaulted by an off duty dispatcher employed by the University of  
 31 California Police Department. That action resulted in a defense judgment.

32           **DEFENDANTS ROCKRIDGE MANOR HOMEOWNERS’  
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1       The instant complaint reiterates the same claims made by the two state court actions and  
 2 adds, with respect to the Rockridge defendants, that defendants somehow corrupted plaintiffs'  
 3 attorneys, rendering plaintiffs' prior counsel less effective.

4       Rockridge does not believe that there are any factual issues in dispute with respect to its  
 5 involvement in this action. It is indisputable that the plaintiffs have already released and dismissed  
 6 Rockridge and other defendants from the claims plaintiffs now assert in this action. As defendants  
 7 did in the state court action, Rockridge denies plaintiffs' allegations that Rockridge Manor  
 8 Homeowners Association or any of its directors or employees breached any duty of care to the  
 9 plaintiffs or violated the plaintiffs' civil rights.

10       3.     Legal Issues

11       Rockridge asserts that it has been released by plaintiff from the claims plaintiffs now present  
 12 in this action. *Suckow Borax Minds Consolidated v. Borax Consolidated Unlimited*, 185 Fed.2<sup>nd</sup>  
 13 196, 204 (9<sup>th</sup> Cir. 1950). This action is also barred by the dismissal with prejudice of the state court  
 14 action, since a voluntary dismissal with prejudice is a determination on the merits. *Gagnon v.*  
 15 *Nevada Dessert Inn, Inc.*, (1955) 45 Cal.2<sup>nd</sup> 448, 455. Full faith and credit is to be given to a state  
 16 court judgment pursuant to 28 U.S.C. Section 1738. *Heck v. Humphrey*, 114 S.Ct. 2364, 2369 n.2  
 17 (1994).

18       Other legal issues raised by Rockridge in its motion to dismiss are: whether plaintiffs'  
 19 allegations are so vague and conclusory that they do not present a legally recognizable claim under  
 20 42 U.S.C. section 1983; whether the causes of action are barred by the litigation privilege,  
 21 California Civil Code Section 47(b); whether all causes of action are barred by the applicable statute  
 22 of limitations found in California Code of Civil Procedure Section 335.1; and whether the facts  
 23 alleged give rise to any cause of action.

24       4.     Motions

25       Plaintiff has taken defaults against all of the many defendants in this action. Some  
 26 defendants were served, but apparently most defendants were not served. Rockridge, defendant  
 27 Charles Blakeney and other purported entities affiliated with Rockridge have filed their motion for  
 28 relief from default. Rockridge has also filed its motion for summary judgment based upon the  
 29 release, dismissal and order approving compromise of claim. Rockridge has also filed a motion to  
 30 dismiss. Other defendants have brought motions for relief from default and motions to dismiss.

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32 **DEFENDANTS ROCKRIDGE MANOR HOMEOWNERS'  
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1 5. Amendment of Pleadings

2 The extent to which any parties may amend their claims or add defenses will depend upon  
 3 the court's rulings on the motions noted above.

4 6. Evidence Preservation

5 The facts alleged by plaintiff concerned events which occurred several years ago. The  
 6 attorneys for Rockridge have maintained their file concerning the *Chang v. Ammann* state court  
 7 action.

8 7. Disclosures

9 Rockridge requests that the Rule 26 initial disclosure deadline be continued until a  
 10 reasonable time after its motion to dismiss and motion for summary judgment is heard.

11 8. Discovery

12 No discovery has taken place in this action. Rockridge is agreeable to the discovery plan  
 13 proposed by defendants Regents of the University of California, et al. in their case management  
 14 conference statement as follows:

15 General discovery cut-off: July 31, 2008;  
 16 Dispositive hearing deadline: October 31, 2008;  
 17 Expert witness designation: September 30, 2008;  
 18 Rebuttal cut-off: per rule;  
 19 Expert discovery: November 30, 2008.

20 9. Class Actions

21 Not applicable.

22 10. Related Cases

23 There are no known related cases within the U.S. District Court, Northern District of  
 24 California. The two Alameda County Superior Court actions, *Chang v. Ammann* and *Chang v.*  
 25 *Celaya*, are dismissed, as noted above and no longer pending.

26 11. Relief

27 In their complaint, plaintiffs pray for damages in excess of \$75,000 for "general and special  
 28 damages" and punitive damages in an unspecified amount. No counter claims have yet been filed.

29 12. Settlement and ADR

30 Rockridge requests that discussion of an ADR process not take place until after the  
 31 disposition of the defendants' motions. Rockridge previously settled with plaintiffs.

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13. Consent to Magistrate Judge for all Purposes

Thus far, all parties appearing in this action have consented to have a U.S. Magistrate Judge conduct all further proceedings, including trial and entry of judgment.

## 14. Other References

Rockridge submits that this case is not suitable at this time for reference to binding arbitration or a special master.

## 15. Narrowing of Issues

Defendant believes that the issues will be narrowed by the defendants' motions.

## 16. Expedited Schedule

It is believed that this question will be more appropriately addressed following disposition of the defendants' motions.

## 17. Scheduling

Rockridge requests that the defendants' motions to set aside default, for summary judgment and to dismiss be scheduled for a date in early to mid-December. Other proposed dates are outlined in Section 8 above.

18. Trial

Rockridge agrees with a proposed January 2009 trial date. The case will likely take five to seven days to try.

**19. Disclosure of Non-Party Interested Entities or Persons**

Given the status of the entry of default against Rockridge, a certification of interested entities or persons has not yet been filed.

Dated: November 9, 2007

ALLMAN & NIELSEN, P.C.

By:/s/~~Paul A. Conroy~~

Paul A. Conroy

Attorney for Defendant

## ROCKRIDGE MANOR

## ROCKLAND ESTATES HOMEOWNERS' ASSOCIATION

**DEFENDANTS ROCKRIDGE MANOR HOMEOWNERS' ASSOCIATION, AND SPECIALLY APPEARING CHARLES BLAKENEY, ROCKRIDGE MANOR CONDOMINIUM AND ROCKRIDGE MANOR BOARD OF DIRECTORS CASE MANAGEMENT CONFERENCE STATEMENT**

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**PROOF OF SERVICE**

I am a citizen of the United States and employed in Marin County, California. I am over the age of eighteen years and not a party to the within action. My business address is 100 Larkspur Landing Circle, Suite 212, Larkspur, California 94939-1743.

On this date I served the foregoing documents described as:

**DEFENDANTS ROCKRIDGE MANOR HOMEOWNERS' ASSOCIATION, CHARLES BLAKENEY, ROCKRIDGE MANOR CONDOMINIUM AND ROCKRIDGE MANOR BOARD OF DIRECTORS CASE MANAGEMENT CONFERENCE STATEMENT**

on the interested parties in the action by placing [ ] the original [x] a true copy thereof, enclosed in a sealed envelope addressed as follows:

Christine Chang  
341 Tideway Drive #214  
Alameda, CA 94501  
Telephone (510) 769-8232

Pro Se, individually and as Guardian ad Litem  
for ERIC SUN, disabled

Lee J. Danforth  
Coddington Hicks & Danforth  
555 Twin Dolphin Drive Suite 300  
Redwood City CA 94065  
Telephone: (650) 592-5400

Pro Se, individually and as Guardian ad Litem  
for ERIC SUN, disabled

**BY MAIL:** I deposited such envelope with postage thereon fully prepaid in the mailbox regularly maintained by the delivery service carrier at Larkspur, California.

[ ] **BY FACSIMILE:** I sent such document via facsimile to the facsimile machine of the addressee.

[ ] BY E-MAIL

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed on November 9, 2007, at Larkspur, California.

/s/ Noli Villa  
Noli Villa

DEFENDANTS ROCKRIDGE MANOR HOMEOWNERS' ASSOCIATION, AND SPECIALLY APPEARING CHARLES BLAKENEY, ROCKRIDGE MANOR CONDOMINIUM AND ROCKRIDGE MANOR BOARD OF DIRECTORS CASE MANAGEMENT CONFERENCE STATEMENT

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